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Attorney Docket No. 9052-87

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Markham et al.

Art Unit: 1636

Serial No. 09/913,970

Examiner: D. Sullivan

Filed March 28, 2002

For: LATENCY-ASSOCIATED REGULATORY REGION  
FROM HERPESVIRUS SAIMIRI HVS

Date: April 19, 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Response to Restriction Requirement**

Sir:

Responsive to the Office Action dated March 19, 2004, it is respectfully requested that this application be reconsidered in view of the following remarks.


**Remarks**

Claims 1-4, 7, 9, 11, 12, 14 and 25-46 are pending in this application. The Office Action states that the claims are drawn to nine patentably-distinct inventions that are not linked to form a single general inventive concept under PCT Rule 13.1.

In response to the Restriction Requirement, Applicants elect the claims of Group I (Claims 1-4, 7 and 28-30, drawn to an isolated nucleic acid encoding a latency promoter) with traverse, as Applicants respectfully submit that it would not be an undue burden to examine the claims of Groups I-IX concurrently. In particular, Applicants respectfully submit that it would not present an undue burden to examine the claims of Groups I and VII concurrently, as both sets of claims recite a latency promoter comprising the nucleic acid of SEQ ID NO:1 or a nucleic acid that has at least 75% homology with SEQ ID NO:1.

Applicants respectfully submit that this application is in condition for substantive examination, which action is respectfully requested.

Respectfully submitted,

  
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